

REMARKS

The Office Action has required restriction, under 35 U.S.C. § 121, to one of the following groups: Group I that includes claims 1-22 and 54-59 allegedly drawn to query processing, classified in class 707, subclass 3; Group II that includes claims 23-31, 33-35, and 52 allegedly directed to sorting, classified in class 707, subclass 7; Group III that includes claims 32 and 36 allegedly drawn to pattern matching access, classified in class 707, subclass 6; and Group IV that includes claims 37-51 and 53 allegedly drawn to query augmentation and refining, classified in class 707, subclass 5. The Office Action identified Groups I-IV as subcombinations usable together in a single combination. The Office Action required election of a single Group. Applicants respectfully traverse the restriction requirement.

Under M.P.E.P. § 806.05(d), two or more claimed subcombinations, disclosed as usable together in a single combination, and which can be shown to be separately usable, are usually restrictable when the subcombinations do not overlap in scope and are not obvious variants. As further set forth in M.P.E.P. § 806.05(d), the Examiner must show, by way of example, that one of the subcombinations has utility other than in the disclosed combination. The burden is on the Examiner to suggest an example of separate utility.

Applicants respectfully submit that the Examiner has not satisfied this burden with respect to Groups I-IV. Instead, the Examiner merely recites the titles of the classes/subclasses that these allegedly different inventions are allegedly classified. Applicants submit that the Examiner's allegation falls short of establishing a proper restriction requirement.

With regard to Group I, for example, the Examiner alleged that the separate utility for Group I is query processing. The Examiner's allegation that Group I has a separate utility of

"query processing" is presumably based on one or more of the following recitations in, for example, claim 1: receiving a search query, receiving first search results based at least in part on a search performed using the search query, and/or performing a search of a history database using the search query to obtain second search results. Assuming that the Examiner's classification is correct (a point that Applicants do not concede), Applicants respectfully submit that this classification also applies to Groups II-IV because the claims in those groups recite recitations, such as receiving search results based at least in part on a search performed using a search query (Group II - claim 23); instructions for obtaining search results based at least in part on a search performed using a search query (Group III - claim 36); and receiving a search query and searching the history database based at least in part on the search query to obtain search results (Group IV - claim 37). Because claims of Groups I-IV can all be generally classified under the Examiner's classification of "query processing," the Examiner has not shown that Group I has a separate utility from Groups II-IV.

With regard to Group II, the Examiner alleged that the separate utility for Group II is sorting. The Examiner's allegation that Group II has a separate utility of "sorting" is presumably based on the following recitation in, for example, claim 23: reordering the search results when the one or more search results correspond to information in the history database to form reordered search results. Assuming that the Examiner's classification is correct (a point that Applicants do not concede), Applicants respectfully submit that this classification also applies to Groups I, III, and IV because the claims in those groups recite recitations, such as modifying the first search results based at least in part on the second search results (Group I - claim 1); means for moving positions of the one or more search results within the search results to form modified

search results (Group III - claim 32); and ranking the search results using at least one of a plurality of parameters (Group IV - claim 37). Because claims of Groups I-IV can all be generally classified under the Examiner's classification of "sorting," the Examiner has not shown that Group II has a separate utility from Groups I, III, and IV.

With regard to Group III, the Examiner alleged that the separate utility for Group III is pattern matching access. The Examiner's allegation that Group III has a separate utility of "pattern matching access" is presumably based on the following recitation in, for example, claim 32: means for determining whether one or more of the search results correspond to information in a history database. Assuming that the Examiner's classification is correct (a point that Applicants do not concede), Applicants respectfully submit that this classification also applies to Group II because the claims in that group recite recitations, such as determining whether one or more the search results correspond to information in a history database that stores information regarding prior document accesses (Group II - claim 23). Because claims of Groups II and III can all be generally classified under the Examiner's classification of "pattern matching access," the Examiner has not shown that Group III has a separate utility from Group II.

With regard to Group IV, the Examiner alleged that the separate utility for Group IV is query augmentation and refining. The Examiner's allegation that Group IV has a separate utility of "query augmentation and refining" is presumably based on one or more of the following recitations in, for example, claim 37: receiving a search query, searching the history database based at least in part on the search query to obtain search results, ranking the search results using at least one of a plurality of parameters, and/or outputting the ranked search results. Assuming that the Examiner's classification is correct (a point that Applicants do not concede), Applicants

respectfully submit that this classification also applies to Groups I-III because the claims in those groups recite recitations, such as receiving a search query, performing a search of a history database using the search query to obtain second search results, and outputting the modified first search results (Group I - claim 1); obtain search results based at least in part on a search of the history database using a search query and output the sorted search results (Group II - claim 52); and instructions for obtaining search results based at least in part on a search performed using a search query and instructions for presenting the modified search results (Group III - claim 36). Because claims of Groups I-IV can all be generally classified under the Examiner's classification of "query augmentation and refining," the Examiner has not shown that Group IV has a separate utility from Groups I-III.

Since the Examiner has not shown that one of the subcombinations has utility other than in the disclosed combination, Applicants respectfully request that the restriction requirement be withdrawn.

If the Examiner persists in maintaining the restriction requirement, Applicants elect claims 1-22 and 54-59 of Group I with traverse.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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